

## Message Text

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ACTION NEA-09

INFO OCT-01 ISO-00 IO-10 CIAE-00 DODE-00 PM-03 H-02 INR-07

L-02 NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15

AID-05 OMB-01 /080 W

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R 241230Z FEB 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 7084

INFO AMEMBASSY ISLAMABAD

AMCONSUL KARACHI

AMCONSUL LAHORE

UNCLAS SECTION 1 OF 2 NEW DELHI 2553

E.O. 11652: N/A

TAGS: PFOR IN PK

SUBJECT: PRIME MINISTER'S STATEMENT ON KASHMIR

1. PRIME MINISTER GANDHI READ THE STATEMENT QUOTED  
IN FULL BELOW TO THE LOK SABHA ON FEBRUARY 25:

STATEMENT MADE BY PRIME MINISTER ON JAMMU AND KASHMIR ON 24TH  
FEBRUARY, 1975.

IN PURSUANCE OF GOVERNMENT'S POLICY TO SECURE THE ACTIVE COOP-  
ERATION AND INVOLVEMENT OF ALL DEMOCRATIC, SECULAR AND PROGRESSIVE  
FORCES IN THE COUNTRY IT WAS CONSIDERED DESIRABLE TO HAVE A  
DIALOGUE WITH SHEIKH MOHAMMED ABDULLAH. HON'BLE MEMBERS ARE AWARE  
THAT SHEIKH ABDULLAH HAD PLAYED A NOTABLE PART IN THE FREEDOM  
STRUGGLE AND IN THE ACCESSION OF THE STATE OF JAMMU AND KASHMIR  
TO THE INDIAN UNION. HE FORMED AND HEADED THE GOVERNMENT OF THE  
STATE FOR A NUMBER OF YEARS AFTER INDEPENDENCE. DESPITE THE  
DIFFERENCES WHICH LED TO THE SUBSEQUENT ESTRANGEMENT IT SEEMED  
CLEAR FROM THE PUBLIC STATEMENTS MADE BY SHEIKH ABDULLAH AS WELL  
AS PERSONAL TALKS WITH HIM THAT HIS COMMITMENT TO BASIC NATIONAL  
IDEALS AND OBJECTIVES HAD REMAINED UNCHANGED. HE REAFFIRMED  
THAT THE ACCESSION OF THE STATE TO THE INDIAN UNION WAS FINAL AND  
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IRREVOCABLE. HIS MAIN AREA OF CONCERN WAS ABOUT THE LEGAL AND

CONSTITUTIONAL CHANGES MADE AFTER AUGUST 1953.

IT WAS DECIDED THAT MIRZA AFZAL BEG WHOM SHEIKH ABDULLAH NAMED FOR THE PURPOSE AND SHRI G. PARTHASARATHI WHOM I ENTRUSTED WITH THE TASK SHOULD EXAMINE THESE CHANGES IN DEPTH AND MAKE APPROPRIATE RECOMMENDATIONS. AFTER EXTENSIVE DISCUSSIONS THEY REACHED AGREEMENT ON VARIOUS POINTS WHICH ARE INCORPORATED IN THE AGREED CONCLUSIONS, A COPY OF WHICH IS PLACED ON THE TABLE OF THE HOUSE. THESE CONCLUSIONS FORMED THE SUBJECT MATTER OF FURTHER DISCUSSIONS AT A POLITICAL LEVEL IN WHICH SHEIKH ABDULLAH, SYED MIR QASIM, THE CHIEF MINISTER OF THE STATE, AND SARDAR SWARAN SINGH PARTICIPATED. AS A RESULT OF THESE AN UNDERSTANDING HAS BEEN REACHED AS DISCLOSED IN THE LETTERS EXCHANGED BETWEEN ME AND SHEIKH ABDULLAH, COPIES OF WHICH ARE PLACED ON THE TABLE. I SHALL REFER TO CERTAIN BASIC FEATURES OF THE UNDERSTANDING.

THE AGREED CONCLUSIONS HAVE BEEN FORMULATED WITHIN THE FRAMEWORK OF THE CONSTITUTION OF INDIA. THE CONSTITUTIONAL RELATIONSHIP BETWEEN THE STATE OF JAMMU AND KASHMIR AND THE UNION WILL CONTINUE AS IT HAS BEEN AND THE EXTENSION OF FURTHER PROVISIONS OF THE CONSTITUTION TO THE STATE WILL CONTINUE TO BE GOVERNED BY THE PROCEDURE PRESCRIBED IN ARTICLE 370. THERE WILL BE NO WEAKENING OF THE TIES WHICH EXIST BETWEEN THE UNION OF INDIA AND ITS CONSTITUENT UNITS OF WHICH THE STATE OF JAMMU AND KASHMIR IS ONE. THE EXISTING JURISDICTION OF THE CENTRE TO DEAL WITH ACTIVITIES DIRECTED TOWARDS QUESTIONING, OR DISRUPTING THE SOVEREIGNTY AND TERRITORIAL INTEGRITY OF INDIA, OR BRINGING ABOUT CESSION OR SECESSION OF ANY PART OF THE TERRITORY OF INDIA FROM THE UNION, WILL ALSO CONTINUE. IT HAS ALSO BEEN AGREED THAT ANY AMENDMENT OF THE CONSTITUTION OF THE STATE ON CERTAIN SPECIFIED MATTERS OF IMPORTANCE WILL NOT BECOME EFFECTIVE UNLESS THE ASSENT OF THE PRESIDENT IS OBTAINED. THE AGREED CONCLUSIONS SEEK TO REASSURE THE STATE THAT IN CASE THE STATE GOVERNMENT COMES UP WITH ANY PROPOSAL TO CHANGE ANY CENTRAL LAW MADE AFTER 1953 ON MATTERS IN THE CONCURRENT LIST SUCH AS SOCIAL WELFARE MEASURES, CULTURAL MATTERS, SOCIAL SECURITY, PROCEDURAL LAWS AND THE LIKE, THE GRANT OF ASSENT TO THE BILL WILL BE SYMPATHETICALLY CONSIDERED.

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A PROPOSAL WAS MADE BY MIRZA AFZAL BEG THAT THE JURISDICTION OF THE SUPREME COURT IN RELATION TO THE STATE SHOULD BE CURTAILED. THIS WAS NOT ACCEPTED AS IT IS CONSIDERED IMPORTANT THAT THE SUPREME COURT SHOULD CONTINUE TO HAVE ITS ORIGINAL AND APPELLATE JURISDICTION IN THE MATTER OF WRITS, APPEALS AND OTHER MATTERS. HOWEVER, IT WAS AGREED BY COLLATERAL LETTERS (COPIES OF WHICH ARE PLACED ON THE TABLE) THAT THE PROVISION IN ARTICLE 132(2)

ENABLING THE SUPREME COURT TO GRANT SPECIAL LEAVE ON THE REFUSAL  
OF A CERTIFICATE BY THE HIGH COURT NEED NOT APPLY TO THE STATE.  
VACTION ON THIS, WILL HOWEVER, BE TAKEN ONLY WHEN THE STATE  
GOVERNMENT COMES UP WITH A PROPOSAL IN THIS BEHALF.

HON'BLE MEMBERS WILL NOTICE THAT THE QUESTION OF  
NOMENCLATURE OF THE GOVERNOR AND THE CHIEF MINISTER  
COULD NOT BE SETTLED. THIS IS A MATTER WHICH IS PROVIDED  
FOR IN THE STATE CONSTITUTION WHICH AT PRESENT USES THE  
EXPRESSIONS "GOVERNOR" AND "CHIEF MINISTER". A CHANGE IN THE  
NOMENCLATURE CAN BE MADE ONLY BY AMENDMENT OF THE STATE  
CONSTITUTION BY THE STATE LEGISLATURE. SO FAR AS THE CHIEF MINISTER  
IS CONCERNED, THERE SHOULD BE NO OBJECTION TO THE ADOPTION OF  
THE DESIGNATION "WAZIR-E-AZAM" IN THE STATE IF THE LEGISLATURE OF  
THE STATE OF JAMMU AND KASHMIR AMENDS ITS CONSTITUTION  
ACCORDINGLY. UNTIL THIS IS DONE, THE PRESENT DESIGNATION  
WOULD CONTINUE.SCHNEIDER

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ACTION NEA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 AID-05

OMB-01 IO-10 /080 W

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R 241230Z FEB 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 7085

INFO AMEMBASSY ISLAMABAD

AMCONSUL KARACHI

AMCONSUL LAHORE

UNCLAS SECTION 2 OF 2 NEW DELHI 2553

E.O. 11652: N/A

TAGS: PFOR IN PK

SUBJECT: PRIME MINISTER'S STATEMENT ON KASHMIR

SHEIKH ABDULLAH WAS VERY ANXIOUS THAT TO START WITH,  
THE CONSTITUTIONAL RELATIONSHIP BETWEEN THE STATE AND THE

CENTRE SHOULD BE AS IT WAS IN 1953 WHEN HE WAS IN POWER. IT WAS EXPLAINED TO HIM THAT THE CLOCK COULD NOT BE PUT BACK IN THIS MANNER. MIRZA AFZAL BEG PRESSED FOR THE TRANSFER OF PROVISIONS RELATING TO FUNDAMENTAL RIGHTS TO THE STATE CONSTITUTION, THE REMOVAL OF THE SUPERVISION AND CONTROL OF THE ELECTION COMMISSION OF INDIA OVRD ELECTIONS TO THE STATE LEGISLATURE, AND THE MODIFICATION OF ARTICLE 356 TO REQUIRE THE STATE GOVERNMENT'S CONCURRENCE BEFORE IMPOSING PRESIDENT'S RULE IN THE STATE. IT WAS NOT FOUND POSSIBLE TO AGREE TO ANY OF THESE PROPOSALS. I MUST SAY TO THE CREDIT OF SHEIKH ABDULLAH THAT DESPITE HIS STRONG VIEWS ON THESE ISSUES, HE HAS ACCEPTED THE AGREED CONCLUSIONS.

THE STATE GOVERNMENT IS IN AGREEMENT WITH THE UNDERSTANDING REACHED AND THE APPROACH IN REGARD TO POLITICAL COOPERATION WITH SHEIKH SAHIB AND HIS FOLLOWERS, AS BEING IN THE INTERESTS OF THE STATE AND THE UNCLASSIFIED

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COUNTRY.

HON'BLE MEMBERS WILL HAVE SEEN THE STATEMENT MADE BY MIRZA AFZAL BEG ON FEBRUARY 6TH, 1975 TO THE EFFECT THAT IN THE CHANGED CIRCUMSTANCES PLEBISCITE HAS BECOME IRRELEVANT AND THAT THE NAME AND OBJECTIVES OF THE PLEBISCITE FRONT HAVE TO BE CHANGED ACCORDINGLY.

WE HAVE BEEN INFORMED THAT THIS STATEMENT WAS ENDORSED AT THE RECENT MEETING OF THE EXECUTIVE COMMITTEE OF THE PARTY AND THAT MIRZA AFZAL BEG HAS BEEN ENTRUSTED WITH THE TASK OF CALLING A MEETING OF THE GENERAL BODY OF THE FRONT FOR TAKING THE NECESSARY FOLLOWUP ACTION IN THIS REGARD.

AS IS DISCLOSED IN THE LETTERS EXCHANGED SHEIKH ABDULLAH HAS STATED IN CLEAR TERMS THAT THE FUTURE OF JAMMU AND KASHMIR LIES WITH INDIA AND THAT AS ONE WHO CHERISHES THE IDEALS OF DEMOCRACY, SECULARISM AND SOCIALISM, HE HAS COME FORWARD WITH HIS COOPERATION WITH A VIEW TO FURTHER STRENGTHEN THE BOND BETWEEN THE STATE AND THE UNION. WE HAVE EVERY CONFIDENCE THAT HE WILL MAKE HIS OWN DISTINCTIVE CONTRIBUTION TO THE TASK OF STRENGTHENING THE NATION AND SUSTAINING ITS IDEALS.

THE SETTLEMENT THAT HAS BEEN REACHED IS AN ENTIRELY DOMESTIC MATTER. IT HAS BEEN THE ENDEAVOUR OF GOVERNMENT TO FIND SATISFACTORY SOLUTIONS FOR POLITICAL PROBLEMS IN A SPIRIT OF CONCILIATION. THE MANNER IN WHICH DIFFERENCES WITH SHEIKH ABDULLAH HAVE BEEN RESOLVED SHOWS THE

VITALITY OF THE FUNCTIONING OF OUR DEMOCRACY. IT IS MY SINCERE  
HOPE THAT THE AGREEMENT WILL OPEN A NEW ERA OF  
UNDERSTANDING AND COOPERATION WITH THOSE IN THE STATE OF  
JAMMU AND KASHMIR WHO HAD NOT ASSOCIATED THEMSELVES WITH THE  
MAINSTREAM OF NATIONAL LIFE DURING THE LAST TWO DECADES. IT  
WILL ALSO AMPLY DEMONSTRATE THE IDENTITY OF INTERESTS AND IDEALS  
OF THE PEOPLE OF THE STATE WITH THOSE IN THE REST OF  
INDIA AND MARK A MILESTONE IN THE ONWARD MARCH OF OUR NATION.  
SCHNEIDER

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